

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REAL PROPERTY LOCATED AT
100 MOUNTAIN VIEW DRIVE,
MORELAND HILLS, OHIO
CUYAHOGA COUNTY PERMANENT)
PARCEL NOS: 913-06-001,
913-06-005, et al.,

Defendants.

CASE NO.: 1:21-cv-00564

JUDGE CHRISTOPHER A. BOYKO

**AGREED MOTION FOR EXTENSION OF TIME TO FILE
ANSWER OR OTHERWISE PLEAD AND INCORPORATED
MEMORANDUM OF LAW**

NOW COMES Eyton Senders, on behalf of himself and 100 Mountain View LLC, Corner Green LLC, ES Global Real Estate Holdings LLC, and N. Laurel Avenue Property Holdings LLC (collectively “Claimants”), and hereby respectfully moves for a thirty-one day extension of time to and including July 30, 2021 for Claimants to answer or otherwise plead, and in support states as follows:

1. Claimants filed verified claims under seal in this action on April 9, 2021.
2. This Court previously extended the time to answer the Complaint or otherwise plead to June 29, 2021.

3. The Government has moved to stay this case in its entirety, including but not limited to the obligation to answer the Complaint. This Motion is currently pending before this Court.
4. Claimants respectfully seek a further extension of the deadline to answer or otherwise plead to July 30, 2021. Claimants submit that the requested extension is in the interests of justice and will be used in a continuing effort to narrow the scope of issues to be decided by this Court.
5. The undersigned counsel contacted Assistant United States Attorney, Henry F. DeBaggis, who agrees to the relief sought.

INCORPORATED MEMORANDUM OF LAW

This Court may in its discretion extend the time for filing an answer to a civil forfeiture complaint. *See United States v. \$11,320.00 in United States Currency*, 880 F. Supp. 2d 1310, 1323 (N.D. Ga. 2012); *accord, United States v. \$12,126.00 in United States Currency*, 337 Fed. Appx. 818, *1 (11th Cir. 2009) (“a district court has discretion to extend the filing period...”). In this case, an extension of time will allow the Claimants further time to reach an informal resolution of their claims before this Court. The Government should suffer no prejudice from the requested extension of time, and in fact has expressly agreed to this allowance (and has a motion to stay the entire action pending before this Court).

WHEREFORE, for the foregoing reasons, the Claimants respectfully submit that this Court should grant a further extension of time to file an answer or otherwise plead to and including July 30, 2021.

Date: June 29, 2021

Respectfully submitted,

/S/ Edmund W. Searby
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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2021, I served this Agreed Motion for Extension of Time to File Answer or Otherwise Plead and Incorporated Memorandum of Law on all parties in the case via this Court's CM/ECF system, which will serve a copy on all counsel of record.

/s/ Edmund W. Searby